IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 31231 of 2007(R)

PETITIONER:

S.RAJADAS, MANALIYIL VEEDU,
MUDAVOORPPARA, BALARAMAPURAM P.O.,
THIRUVANANTHAPURAM DISTRICT. (MECHANIC,
RETIRED ON 30.062006 FROM VIZHINJAM DEPOT.)~

BY ADV. SRI.R.GOPALAKRISHNAN (SREEVALSAM)
SRI.S.NARAYANAN NAIR

RESPONDENTS:
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1. KSRTC, REPRESENTED BY THE
MANAGING DIRECTOR, KSRTC, THIRUVANANTHAPURAM.

ADDL.R2

2. BRANCH MANAGER,
KERALA STATE FINANCIAL ENTRPRISES LTD.,
MEDICAL COLLEGE BRANCH, TVM
PIN-695011
(Impleader as per order dated 14.11.2007 in I.A.14494/2007)

BY ADV. SRI.ASOK M.CHERIYAN, SC, K.S.F.E. LTD.
SRI.K.PRABHAKARAN FOR R1

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J

W.P.(C). 31231/2007

Dated this the 14th day of November, 2007

JUDGMENT

Heard.

2. Ext.P1 shows that KSFE has issued a notice recalling the loan on the ground that the petitioner had defaulted instalments due from 23.10.2005. The learned counsel for the KSFE submits, as on today there are no outstandings and the loan has been made up-to-date and that the petitioner has to pay a monthly amount of Rs.2,855/- in repayment or pay an amount of Rs.92,000/- as on today for an outrated settlement of the loan.

3. Having regard to the decision of the Division Bench governing the issuance of orders for out of turn release of DCRG and commuted value of pension, the case of the petitioner cannot be treated as an exceptional situation, also because there is no distress action pending against him as of now.

Under such circumstances, I find no extraordinary ground to deviate from the priority fixed by the Division Bench. Writ petition fails and the same is dismissed.

THOTTATHIL B. RADHAKRISHNAN
Judge

mrcs